REMARKS

I.   Summary of Office Action

Claims 1 and 4-12 are pending in the application.

The Examiner rejected claims 1, 4-6, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable by Stanbach Jr. et al. U.S. Patent No. 6,449,657 (hereinafter "Stanbach") in view of Freeman et al. U.S. Patent No. 5,861,881 (hereinafter "Freeman").

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman and further in view of Chen et al. U.S. Patent No. 6,857,024 (hereinafter "Chen").

The Examiner rejected claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman and further in view of Gerace U.S. Patent No. 5,991,735 (hereinafter "Gerace").

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman further in view of Chen and further in view of Gerace.

II.   The Prior Art Rejections of the Claims

The Examiner rejected each of pending independent claims 1 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman. The Examiner's rejection of these claims under this section is respectfully traversed.

Applicants maintain the arguments set forth in the previous replies and respectfully submit that Stanbach and Freeman fail to show each and every element of applicants' independent claims 1 and 9. For clarity, however, applicants have amended independent claims 1 and 9 and are providing additional arguments herein regarding the distinctions between applicants' claims, Stanbach, and Freeman.

Generally speaking, applicants' amended independent claims are directed towards providing a narrative framework for creating a personalized video commercial for an intended audience. A default video commercial example is received from an advertiser, where the example is a completed video commercial that includes inserted video segments and audio segments. The default video commercial example provides an intended message from the advertiser to the intended audience. As described in applicants' specification:

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The example serves as a message template containing a rich media video composition of the message that the client wishes to deliver to his audience. The example is of the prescribed duration and exhibits one complete advertising or other message as an example of one specific version of the intended communication to be delivered. This provides the starting point for later construction of a message template 400 and a resource library 300 from which the various personalized versions of the message are to be assembled. (Applicants' specification, page 17, lines 23-28.)

For example, every element of a television commercial may be selected (or dynamically created) to fill in a template, including background view (such as a city skyline, and seasonal choices as well), music (background and jingles), language and accent of narrative, the choice of what narrative to add, the product being shown (for example a car or truck), the appearance of the product (for example the color of a car or accessorizations), selectable video of real actors, the length the commercial runs, any screen over text, etc. The media segments may all be created with the initial template, or created afterwards, including new media segments based on current events, but which are used in a template which has been in use for some time. (Applicants' specification, page 8, line 2-12.)

General characteristics of members of the intended audience are delineated and a set of target entity qualification data factors are created, which are used in database searches to acquire a list of entities to distribute the assembled personalized video commercial. The entity profile template is also created that includes a substantially complete definition of information about each of the entities that is to be acquired by the database search.

Based on the default video commercial example, a video commercial template that includes a plurality of media segments slots arranged in time sequence order is constructed. In addition, a resource library that includes a plurality of media segments including video segments and audio segments is constructed based on the default video commercial example, where the audio segments and video segments are incomplete portions of a complete personalized video commercial. The personalized video commercial is constructed by selecting one or more video segments and one or more audio segments from the resource library using the entity profile template and inserting them into the media segment slots of the video commercial template.

The Examiner contends that applicants' independent claims 1 and 9, as described above, are unpatentable over Stanbach in view of Freeman. Applicants respectfully disagree, and submit that the references cited in the Office Action, no matter how they may be hypothetically may be combined, do not teach or suggest all the features of applicants' independent claims 1 and 9.

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As described in previous replies, Stanbach describes a domain name server that provides electronic message forwarding services. For example, the Examiner frequently cites Figure 7 of Stanbach and its accompanying description, which is described in a section entitled "E-mail Advertisement Selection." This portion of Stanbach describes a mail transfer agent that receives or retrieves an e-mail message to an intended recipient, scans the content of the e-mail message (e.g., recipient username, domain name, keywords or phrases from the body of the e-mail message, etc.), generates one or more queries for advertisements matching the demographic profile of the intended recipient, and associates one or more advertisements with the e-mail. The advertisements are inserted into the e-mail message body, attached to the e-mail message, or attached or inserted in subsequent e-mail messages. The e-mail message with the inserted advertisement is transmitted to the intended recipient.

Applicants wish to point out to the Examiner that applicants' claims have been amended to clarify that the advertisements are video commercials. It can be readily seen that the Stanbach reference cited by the Examiner is concerned with the insertion of completed advertisements into e-mail messages and the delivery of these e-mail message to the intended recipient. The Stanbach reference does not construct a personalized video commercial by inserting one or more video segments from a resource library and one or more audio segments from the resource library. Instead, Stanbach uses demographic information to insert completed advertisements into an e-mail message. These completed advertisements may have file types, such as "GIF, JPG, WAV, MOV, AVI, etc." (See Stanback, column 20, lines 51-60.)

Applicants also wish to point out to the Examiner that applicants' claims require that both the video commercial template and the resource library are constructed based on the default video commercial example. That is, based on the default video commercial example, the video commercial template and the resource library that includes a plurality of media segments are constructed, thereby allowing a multiplicity of video commercials to be created from the default video commercial example received from the advertiser.

The claimed invention "construct[s] a video commercial template based on the at least one default example." The video commercial template includes media segment slots, where video segments and audio segments are insertable into the slots. The Examiner contends that Stanbach at column 11, lines 16 through 22 of Stanbach shows this feature. This portion of

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Stanbach describes using the demographic profile generated on the intended recipient to create a subset of advertisements of advertisements from an ads table.

In addition, the claimed invention "construct[s] a resource library based on the at least one default example." The Examiner cites the ads table to show this feature of applicants' claims. (See Stanbach, column 20, lines 51-53.) However, there is no mention in Stanbach that the ads table is constructed based on a default video commercial example. Stanbach retrieves completed advertisements from the ads table to create a subset of advertisements for insertion into the e-mail messages. (Stanbach, column 11, lines 16-22.)

The Examiner cites the Freeman reference to make up for the deficiency in the Stanbach reference. In particular, on pages 3 and 9 of the Office Action, pages 3 and 9, the Examiner contends that "Stanback does not specifically teach that media segment slots are arranged in time sequence order. Freeman et al. teaches a method and system for providing an interactive presentation with personalized video, audio and graphic media segments, wherein said segments are arranged in time sequence order (C. 3, L. 41-45)."

As described in applicants' Background of the Invention, Freeman is a system "in which a user interacts with a computer to determine which of several cable TV or other audio-visual inputs will be displayed on the screen at any given time." (Applicants' specification, page 3, line 16 through page 4, line 5) "Each video segment is either played or not played; but the video segment itself is not modified according to any user inputs." (Id.)

Similar to Stanbach and as explained in applicants' Background, the Freeman reference is not concerned with constructing a personalized video commercial, nor is it concerned with constructing a video commercial template and a resource library based on a default video commercial example.

Freeman individually selects completed commercials and inserts the completed commercials at predetermined trigger points in a program for the viewer. The Examiner cites portions of the Freeman that describe trigger points. (See, e.g., Freeman, column 12, lines 50-54.) These trigger points are placed by programmers and, upon detecting a trigger point, completed media can be inserted and presented to the viewer. For example, at column 19, lines 9-12, Freeman states "if the user profile suggests that the viewer is particularly interested in sports cars, a sport car commercial could be played for the viewer at a predetermined point in the

program." Nowhere does Freeman show or suggest that the "audio and video segments are incomplete portions of a complete personalized video commercial."

Accordingly, because Freeman does not show that "audio and video segments are incomplete portions of a complete personalized video commercial," applicants submit that Freeman also does not show or suggest the features of "constructing a video commercial template based on the at least one default video commercial example that includes a plurality of media segments slots arranged in time sequence order" or "constructing said personalized video commercial" into the audio and video segment slots of the video commercial template.

In view of the foregoing, applicants respectfully submit that independent claims 1 and 9 are allowable over Stanbach in view of Freeman. Therefore, applicants respectfully request that the rejection of claims 1 and 9 be withdrawn by the Examiner.

The Examiner rejected dependent claims 4-6 and 10 under 35 U.S.C. § 103(e) as being unpatentable over Stanbach in view of Freeman. The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman and further in view of Chen. The Examiner rejected claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman in further view of Gerace. Applicants respectfully submit that claims 4-8, 10, and 11, each of which depends from one of independent claims 1 and 9, are allowable for at least the same reasons that the independent claims are patentable as set forth above.

Therefore, applicants respectfully request that the Examiner withdraw the rejections of claims 4-8, 10, and 11.

The Examiner rejected independent claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Stanbach in view of Freeman further in view of Chen and further in view of Gerace. The Examiner's rejection of these claims under this section is respectfully traversed.

Applicants respectfully submit that the amendments made to independent claims 1 and 9 were also made to independent claim 12. Thus, independent claim 12 is allowable for at least the same reasons that independent claims 1 and 9 are patentable as set forth above. In view of the foregoing reason, applicants respectfully submit that independent claim 12 is allowable over Stanbach in view of Freeman further in view of Chen and further in view of Gerace. Accordingly, applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

III.   Conclusion

The foregoing demonstrates that claims 1 and 4-12 are patentable. This application is therefore in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

If it is believed that such contact would further the examination of the application, applicants courteously request that the Examiner contact the undersigned at the number listed below to schedule an interview at a time convenient for the Examiner.

IV.   Authorization

The Director is hereby authorized to charge any additional fees, which may be required

for this Amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or which may be required in addition to

that requested in a petition for an extension of time, the Director is requested to grant a petition

for that extension of time which is required to make this response timely and is hereby

authorized to charge any fee for such an extension of time or credit any overpayment for an

extension of time to Deposit Account No. 08-0219.

Respectfully submitted,

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